

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to five-year rules review
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 152, “Foster Care Contracting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 217.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 217.6.

Purpose and Summary

Chapter 152 was reviewed as part of the Department’s five-year rules review. Chapter 152 outlines the contracting process used for providers of foster group care, child welfare emergency services shelter, and supervised apartment living. The chapter provides the rules for rate-setting, payments, and provider monitoring.

These proposed amendments update definitions, form names and numbers, and legal references.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,218).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 20, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind the definition of "Level of care" in rule ~~441—152.1(234)~~.

ITEM 2. Amend rule ~~441—152.1(234)~~, definition of "Child," as follows:
"Child" means a person under 18 years of age or a person 18, ~~or 19, or 20~~ years of age who meets the criteria in Iowa Code section 234.1.

ITEM 3. Amend subparagraph ~~152.2(4)"a"(2)~~ as follows:

(2) Form 470-3055, ~~Referral and Authorization for Child Welfare Services~~.

ITEM 4. Amend subrule 152.2(6) as follows:

~~152.2(6) Cost report.~~ Providers shall complete Form 470-5421, ~~Combined Cost Report~~, as required by contract. The instructions for the cost report are found in Comm. 502 ~~(7/16), Instructions for the Combined Cost Report~~.

a. Due date. The cost report shall be submitted to the department no later than three months after the close of the provider's established fiscal year. The provider may request a one-month extension from the ~~chief of the~~ bureau of service contract support.

b. and c. No change.

ITEM 5. Amend paragraph ~~152.4(1)"h"~~ as follows:

h. Failing to submit the cost report on time or failing to submit complete responses to follow-up questions from the department or its fiscal consultant within 14 days of request without written approval from the ~~chief of the~~ bureau of service contract support.

ITEM 6. Amend rule 441—152.5(234) as follows:

441—152.5(234) Adverse actions. Notice of adverse actions ~~and the~~ shall be given in accordance with 441—Chapter 16. The right to appeal the licensing decision shall be given to applicants and licensees in accordance with 441—Chapter 7.